THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION No. 16825 of 2005

Date:30.09.2005

Between:

Korivi Chendrasekhar Rao, s/o. Venkatasubbaiah,

R/o. Pedapavani village, Lingasamudram mandal,

Prakasam district

…Petitioner

and

1)The Joint Collector, Prakasam district at Ongole

& 2 others

…Respondents

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents.

Challenging the proceedings in R.C.F. 948/2005, dated 04.06.2005

of the second respondent and to direct the respondents to supply essential commodities as per petitioner authorization for the fair price shop Pedapavani-1, Lingasamudram mandal, Prakasam district, the present Writ Petition is filed.

The learned counsel for the petitioner vehemently contended that application was made by the petitioner for renewal of the authorization and the same is pending with the respondents; that the respondents are not in the habit of issuing extension or renewal of authorization. The learned counsel further contends that the show cause notice dated 04.06.2005 does not indicate reasons for not renewal of letter of authorization after March, 2003 and therefore, it is liable to be set aside; therefore, she prays to allow the Writ Petition.

On the other hand, the learned Government Pleader for Civil Supplies appearing on behalf of the respondents contended that the authorization of the petitioner expired in the month of March, 2003 and thereafter, there was no renewal and the petitioner failed to deposit Demand Draft for Rs. 3,000/- as required under the Rules and therefore, there are no grounds to give a direction to the respondents to supply the essential commodities.

As seen from the show-cause notice dated 04.06.2005, it is only a notice calling for explanation of the petitioner. It is not the case of the petitioner that the authority who passed this order lacks jurisdiction. Normally, this Court will not interfere with the show-cause notice because whether the petitioner paid the amount or made the application in time or whether the petitioner committed any irregularities as contained in the notice, are required to be decided by the second respondent after receipt of explanation from the petitioner.

Therefore, without entering into merits of the case, the Writ Petition is disposed of direction the second respondent to pass appropriate

orders in accordance with rules on the show cause notice after receipt of explanation from the petitioner. Since the petitioner has approached this Court after receipt of show cause notice, it is desirable to give reasonable opportunity to him to file a representation in pursuance of the show-cause notice dated 04.06.2005. Hence, if the petitioner has not already submitted the explanation to the show cause notice, 10 days' time from today is given for filing the explanation. Thereafter, appropriate decision has to be taken by the second respondent thereon in accordance with law after giving reasonable opportunity of hearing to the petitioner.

(K.C.Bhanu, J.)

30.09.2005

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Issue CC in one week.

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